

## **EXHIBIT B**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

-----X Index No. 512578/2021  
ANDREA COOMBS,

Plaintiff,

**PLAINTIFF'S RESPONSE  
TO DEMAND FOR  
VERIFIED BILL OF  
PARTICULARS**

- against -

LOWE'S HOME CENTERS, LLC,

Defendants.

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**PLEASE TAKE NOTICE** that plaintiff ANDREA COOMBS by her attorneys, the  
LAW OFFICE OF STEPHEN H. FRANKEL, hereby answers, upon information and belief,  
defendant LOWE'S HOME CENTERS, LLC Demand for a Verified Bill of Particulars dated  
July 1, 2021 as follows:

1. The plaintiff's name is ANDREA COOMBS.
2. The plaintiff currently resides at 740 Lincoln Avenue, Brooklyn New York 11208.
3. The plaintiff's date of birth is XX-XX-1963 and her social security number is XXX-XX-8827.
4. The incident took place on October 24, 2020 at approximately 12:45 PM.
5. The incident took place at the Rosedale Lowes location (Store # 2664) located at 253-01 Rockaway Boulevard, Rosedale, New York 11422.
6. Plaintiff was caused to fall and be precipitated to the ground by an unsecured and unattended pallet jack and/or pallets while she was shopping.

7. Objection. Demand requires a narrative response reserved for plaintiff's deposition. Notwithstanding said objection plaintiff was shopping.
8. Plaintiff will claim that the defendant LOWE'S HOME CENTERS, LLC by their agents, employees and/or servants were negligent, careless, and reckless in the maintenance, control, operation and ownership of the aforementioned premises in that they, caused, created and thereafter permitted to exist and remain thereat, a hazardous condition consisting of an unsecured and unattended pallet jack and/or pallets. Defendant allowed the unsecured and unattended pallet jack and/or pallets to become and remain in a hazardous and dangerous condition thereby resulting in serious injuries to the plaintiff ANDREA COOMBS herein. Defendant LOWE'S HOME CENTERS, LLC failed to warn the plaintiff of the hazardous and dangerous condition of the aforesaid unsecured and unattended pallet jack and/or pallets. Defendant failed to monitor, handle, and move the unsecured and unattended pallet jack and/or pallets. There was negligence on the part of the building owners, the building lessees, the building management and those responsible for maintenance and safety of all aisles and walkways. The defects, deficiencies and violations of the aisles, walkways and common areas should have been obvious to the responsible parties and that removal of the unsecured and unattended pallet jack and/or pallets should have been made in a timely manner. The unsecured and unattended pallet jack and/or pallets in the aisles, walkways and common areas represented an unsafe condition and there were no safeguards i.e. warning signs, caution tape, cones, etc. to prevent pedestrians from being precipitated to the ground.
9. Defendant violated federal, state and city laws applicable herein. The court will take judicial notice of same. To be supplemented after depositions; if necessary.

10. Plaintiff ANDREA COOMBS sustained the following injuries, all of which, upon information and belief are permanent in nature:

- Pain in left elbow;
- Pain in left hip;
- Strain of muscle, fascia and tendon of left hip;
- Pain in left ankle; and
- Sprain of unspecified ligament in left ankle;

**Left Shoulder**

- Pain in left shoulder;
- Partial tear of the distal supraspinatus tendon, including by the footprint;
- Partial tear of the distal infraspinatus tendon, by the footprint;
- Posterior superior labral tear;
- Chronic appearing tear of the inferior acromioclavicular ligament;
- Limitation of range of motion in left shoulder;
- Left shoulder internal derangement;
- Strain of muscle /tendon the rotator cuff of left shoulder; and
- Recommendation for arthroscopic surgery in the left shoulder for debridement of the rotator cuff possible repair and a debridement of the labrum possible repair.

**Lumbar Spine**

- Pain in lower back;
- Other intervertebral disc displacement, lumbar region;
- Slight right convex lumbar scoliosis;
- Radiculopathy, lumbosacral region;



- Broad-based posterior disc herniation at the L5-S1 level, most prominent centrally;
- Far right posterolateral disc herniation at the L4-5 level, superimposed upon a posterior disc bulge, and encroaching upon the right L4 nerve root in the neural foramen;
- Posterior disc bulge at the L3-4 level;
- Limitation of range of motion in lumbar spine;
- EMG positive for right S1 and left L5-S1 radiculopathy; and
- Strain of muscle, fascia and tendon of lower back.

**Left Knee**

- Other internal derangements of left knee;
- Small to moderate size joint effusion with a small medial plica;
- Focal full-thickness chondral tear of the medial ridge of the patella;
- Osetochondral lesion of the medial facet of the trochlea surface of the distal femur extending to the trochlear groove;
- Osteochondral lesion of the posterior aspect of the lateral femoral condyle;
- Limitation of range of motion in the left knee; and
- Contusion of left knee.

Due to these injuries there is a limitation, diminution and/or effect of functions, activities, vocation, avocation and all other activities in which plaintiff engaged prior to the underlaying accident. Furthermore, Ms. Coombs suffers from the inability to resume pre-accident *modus vivendi*, the inability to resume pre-accident social relations, contacts and participation. She continues to have associated pains, disabilities, discomforts, impairments, impediments, limitations of function and activities due to her sustained injuries;

The injuries, manifestations and sequelae are permanent and chronic. Additionally, with advancing years there will be naturally and medically related further psychological and somatic overlay with resultant disabilities;

The aforesaid have and will continue in the future to affect every facet of plaintiff's pre-incident way of life with resultant damages. Plaintiff to her detriment will continue to sustain permanent loss and impairment of her physical and mental health; and

All of the above injuries involve, but are not limited to, blood vessels, soft tissue, nerve endings, connective tissue, muscles, tendons and ligaments and may involve aggravation, precipitation and/or activation of a pre-existing latent asymptomatic degenerative condition or disease.

11. Not applicable.
12. Plaintiff ANDREA COOMBS received medical treatment from the following providers regarding the injuries she sustained in the October 24, 2020 incident:
  - Mount Sinai Brooklyn  
3201 Kings Highway  
Brooklyn, New York 11234
  - Comprehensive Healthcare Medical PC  
3226 Kings Highway  
Brooklyn, New York 11234
  - Lenox Hill Radiology  
1014 Brooklyn Avenue  
Brooklyn, New York 11203
  - Advanced Orthopedics, PLLC  
80-02 Kew Gardens Road, 5<sup>th</sup> Floor  
Kew Gardens, New York 11415
- 13-15. Please refer to the response to number 10.
16. Plaintiff was confined to Mount Sinai Brooklyn on October 24, 2020. The plaintiff was confined in bed and at home intermittently from the date of the incident up to and including the present except for medical treatment and work.
17. The plaintiff has been permanently partially disabled from the time of the incident to the present.
18. Not applicable.
19. Not applicable.
20. To date, the plaintiff's medical services have been rendered on a lien basis to be repaid at the conclusion of this case. Current lien amounts are listed below. The lien amounts listed are ongoing amounts:
  - Comprehensive Healthcare Medical PC - \$3,520.00
  - Lenox Hill Radiology - \$4,832.70

Plaintiff claims an amount in excess of over two million (\$2,000,000.00) dollars over her life expectancy for future surgeries, medicines, therapies, supplies, pharmacological therapies, etc.

It is reasonably anticipated that Ms. Coombs will be required to undergo the following medical treatment, testing and procedures at the following cost in the future:

- Follow up physiatrist visits, 6-8 visit per year at approximate cost of \$150.00 per visit;
- Orthopedic visits, 4-6 visits per year at approximate cost of \$250.00 per visit;
- Spinal specialist visits, 3-4 visits per year at approximate cost of \$250.00 per week;
- Pain management visits, 4-6 visits per year at approximate cost of \$150.00 per visit;
- Physical therapy, 50-100 visits per year at approximate cost of \$100.00 per visit;
- X-rays of the left shoulder, left knee, and lumbar spine one (1) each per year for each at approximate cost \$75.00- \$100.00 per x-ray;
- MRI/CT of left shoulder, left knee, and lumbar spine - once each every 3-4 years at approximate cost of \$1,000.00 per scan;
- Electro diagnostic testing EMG/NCV of the lower extremities, each study every 3-4 years at approximate cost of \$1,000.00 to \$1,500.00 per test
- Trigger point injection for lumbar spine, 3 injections per year at approximate cost of \$200.00 per injection;
- Epidural injections by interventional pain management specialist, for lumbar spine, 3 injections per year at approximate cost of \$1,000.00- \$1,500.00 per injection;
- Left shoulder joint and tendon injections, 3 injections per year at approximate cost of \$200.00 per injections;
- Left knee joint and tendon injections, 3 injections per year at approximate cost of \$200.00 per injection;
- Lumbar spine brace at approximate cost pf \$600.00-\$1,000.00 every 4-5 years;
- Left knee brace at approximate cost of \$200.00-\$300.00 every 4-5 years;
- Lumbar spine surgical intervention at approximate cost of \$150,000.00 to \$180,000.00 inclusive of the surgeons cost and the cost of the hospital stay and cost of the instrumentation and hardware implanted;
- Left shoulder surgical intervention at approximate cost of \$10,000.00 - \$15,000.00;



- Left knee surgical intervention at approximate cost of \$10,000.00 - \$15,000.00;
- Physical therapy, following each surgery, 3 visits per week for 12-16 weeks and 2 visits per week for 12-16 week at a cost of \$100.00 per visit;
- Physical therapy, over the next three years, 50-100 visits per year at approximate cost of \$100.00 per visit;
- Physical therapy, thereafter, 20-50 visits per year at cost of \$100.00 per visit; and
- Medication at approximate cost of \$500.00 to \$800.00 per month.

**PLEASE TAKE FURTHER NOTICE** that plaintiff claims actual and constructive notice in that the defendant itself or employees, agents and/or servants of the defendant created the hazardous and dangerous conditions claimed thus, obviating any notice requirement. To be supplemented after discovery is completed, if necessary.

**PLEASE TAKE FURTHER NOTICE** that plaintiff further claims actual notice in that the defendant, itself or employees, agents and/or servants of the defendant were aware of the hazardous and dangerous conditions claimed prior to the incident occurring

**PLEASE TAKE FURTHER NOTICE** that plaintiff reserves her right to amend, modify and/or supplement all of the above responses prior to the trial of this action

Dated: Garden City, New York  
August 6, 2021

Yours, etc.



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